

the public in the integrity of the government.

(c) *Member and employee responsibility.* It is the responsibility of members and employees to familiarize themselves and comply with these regulations.

#### § 811.2 Scope.

(a) *Content.* These regulations prescribe policies and procedures for the avoidance of conflicts of interests in connection with members' or employees' Council positions or in the discharge of their official Council responsibilities, and set out the requirements for reporting and reviewing financial interests and outside employment.

(b) *Types of requirements.* Members and employees have a duty to avoid apparent or actual conflicts of interest pursuant to two authorities. First, 18 U.S.C. 203, 205, 208 and 209 impose criminal sanctions on officers and employees of the Federal government, including special government employees, who participate in certain official activities where they have a conflicting personal financial interest. Second, Executive Order 11222 prescribes standards of ethical conduct for government officers and employees and special government employees occupying certain government positions to report all financial interests and outside employment and certain affiliations. These authorities have the common objective of assuring that government officers and employees conduct government business free from the constraints that conflicting interests might present.

(c)(1)(i) Members of the Council fall into three groups: *Special government employees, officers or employees of the Executive Branch, and officers and employees of the Legislative Branch.*

(ii) *Special government employees*, as defined by 18 U.S.C. 202, are those Council members who have been appointed or designated to perform for fewer than 130 days per year. Included in this category for purposes of these regulations are all private members, the mayor, the governor, the Chairman of the National Trust for Historic Preservation, and the President of the National Conference of State Historic Preservation Officers.

(iii) The Secretaries of Interior and Agriculture and their designees and the heads of the four other agencies of the United States appointed by the President and their designees are *officers and employees of the Executive Branch.*

(iv) The Architect of the Capitol is an *officer or employee of the Legislative Branch* who is appointed by the President.

(2) For purposes of these regulations, unless otherwise specified, all members of the Council and their designees shall be referred to as *members* regardless of their classification under other authorities.

(3) All Council staff members are referred to as *employees*.

#### § 811.3 Financial interests.

(a) *Policy.* A personal financial interest may create an actual or apparent conflict of interest. This section sets forth standards of conduct to avoid such conflicts.

(b) *Restrictions—Members and Employees.* No member or employee shall—

(1) Have a direct or indirect financial interest that conflicts substantially or appears to conflict substantially with the member's or employee's Council duties and responsibilities; or

(2) Engage, directly or indirectly, in financial transactions resulting from, or primarily relying on, information obtained through the member's or employee's Council membership or employment.

#### § 811.4 Outside work and activities.

(a) *Policy.* Under certain circumstances, outside work or activities may create an actual or apparent conflict of interest. In general, outside work or activities are permitted to the extent that they do not prevent employees from devoting their primary interests, talents, and energies to the accomplishment of their work for the Council or tend to create a conflict or appearance of conflict between the private interests of members or employees and their Council responsibilities.

(b) *Restrictions—Members who are heads of Federal agencies and their designees and the Architect of the Capitol and his designee:* (1) It shall not be considered to be a conflict of interest for members who are the heads of Federal